

MEETINGS TO DATE 3  
NO. OF REGULARS 3  
NO. OF SPECIALS 0

LANCASTER, NEW YORK  
JANUARY 31, 1983

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 31st day of January , 1983, at 8:00 P.M. and there were:

PRESENT: STANLEY JAY KEYSA, SUPERVISOR  
RONALD A. CZAPLA, COUNCILMAN  
ROBERT H. GIZA, COUNCILMAN  
LEONARD E. GRZYBOWSKI, COUNCILMAN  
DONALD E. KWAK, COUNCILMAN

ABSENT: NONE

ALSO PRESENT: ROBERT P. THILL, TOWN CLERK  
DOMINIC J. TERRANOVA, TOWN ATTORNEY  
RICHARD J. SHERWOOD, DEPUTY TOWN ATTORNEY  
ROBERT LABENSKI, TOWN ENGINEER  
VIRGIL J. PAUL, HIGHWAY SUPERINTENDENT  
ROBERT L. LANEY, BUILDING INSPECTOR

PUBLIC HEARINGS:

NONE

BID OPENING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M. the Town Board considered sealed proposals for furnishing to the Town of Lancaster a refuse dumping site.

ON MOTION BY COUNCILMAN GIZA, AND SECONDED BY COUNCILMAN GRZYBOWSKI AND CARRIED, by unanimous voice vote, the time for receiving the aforesaid proposals was closed at 8:10 P.M.

BID OPENING SCHEDULED FOR 8:00 P.M. CONT'D.:

Affidavits of Publication and Posting of a Notice to Bidders were presented and ordered placed on file.

Proposals were received from the following bidders:

1. Lancaster Sanitary Land Fill Inc.  
2255 Bailey Avenue  
Buffalo, New York 14211-0120
2. Newco Waste Systems, Inc.  
2321 Kenmore Avenue  
Kenmore, New York 14217

ON MOTION BY COUNCILMAN GIZA, AND SECONDED BY COUNCILMAN CZAPLA AND CARRIED, by unanimous voice vote, the aforesaid proposals were ordered turned over to the Highway Superintendent for examination, tabulation, and recommendation.

OFFICIAL REPORTS:

NONE

COMMITTEE REPORTS:

Councilman Giza presented a report from the Lancaster Central School system setting forth pertinent and relative data on the uses and operation costs of the Central Avenue Elementray School.

The Town had previously received a request from the Lancaster senior citizens to purchase this building for senior citizen use.

Both the purchase request and statistical data were referred to the Building and Capital Improvements Committee for investigation and report.

PRESENTATION OF PREFILED RESOLUTIONS:

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

RESOLVED, that the minutes of the meeting of the Town Board, held  
January 17, 1983, as presented by the Town Clerk, be and hereby are approved.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
COUNCILMAN KWAK	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xbulx~~  
The resolution was thereupon unanimously adopted.

January 31, 1983

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI , TO WIT:

WHEREAS, it is in the public interest for the Town of Lancaster to agree with the County of Erie for the administration of the design grant and future construction grant, C-36-390-02 and 03, and

WHEREAS, the County of Erie acting for and on behalf Erie County Sewer District No. 4, has agreed to amend its grant application to include additional items for which it may receive State and Federal Funds on behalf of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute a Supplemental Agreement on behalf of the Town of Lancaster with the County of Erie, acting for and on behalf of Erie County Sewer District No. 4 for the administration of the design grant and future construction grant, if obtained, in accordance with the terms and conditions of the Agreement as drawn by the Town Attorney and filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
COUNCILMAN KWAK	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~xx~~  
The resolution was thereupon unanimously adopted.

January 31, 1983

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI , TO WIT:

WHEREAS, the Town of Lancaster has received a Step II Design Grant for the rehabilitation of town sanitary sewers in conjunction with Erie County Sewer District No. 4, being Project No. C-36-390-02, and anticipates receiving the Step III Construction Grant for such work, which project is designated as No. C-36-390-03, and

WHEREAS, said Design Grant and Construction Grant impose certain basic minimum requirements for the administration and accounting of said grant funds, and

WHEREAS, the Town Accountants, Fox & Company, have proposed, by letter dated January 19, 1983, to perform said administration and accounting services acting at the same time as liaison between the Town of Lancaster and Erie County Sewer District No. 4, and

WHEREAS, the scope of the projects above referred to demands the services offered by Fox & Company for the orderly administration and accounting of said design and construction funds;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby accepts the offer of Fox & Company for accounting services to be rendered in the projects identified as Step II - Design Grant No. C-36-390-02, and Step III- Construction Grant No. C-36-390-03, if received, all in accordance with said Proposal dated January 19, 1983, on file with the Town Clerk, and

BE IT FURTHER

RESOLVED, that the Supervisor is hereby authorized and directed to execute said offer on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
COUNCILMAN KWAK	VOTED YES
SUPERVISOR REYSA	VOTED YES

The resolution was thereupon ~~unanimously~~ adopted.

January 31, 1983

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, the Erie County Attorney has submitted a contract between  
the County of Erie and the Town of Lancaster covering the removal of snow and  
ice on certain roads located within the boundaries of the Town of Lancaster,  
for the period November 1, 1982 through August 31, 1983,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is  
hereby authorized and directed to execute a contract between the Town of  
Lancaster and the County of Erie for the removal of snow and ice on certain  
roads located within the boundaries of the Town of Lancaster for the period  
November 1, 1982 through August 31, 1983, and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized and  
directed to provide the County of Erie with a certified copy of this  
resolution and the necessary certificates of insurance required under this  
contract.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
COUNCILMAN KWAK	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~duhlyx~~

The resolution was thereupon unanimously adopted.

January 31, 1983

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, the Town of Lancaster Ambulance Board, by letter dated  
January 24, 1983, has recommended the appointment of certain individuals to  
the Town of Lancaster Volunteer Ambulance Corps,

NOW, THEREFORE, BE IT

RESOLVED, that the following additions be made to the membership  
of the Town of Lancaster Ambulance Corps:

ADDITIONS

Raymond Zgoda  
633 Columbia Avenue  
Lancaster, New York

Rocco Laurienzo  
27 Caswell Avenue  
Lancaster, New York

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~duxx~~  
The resolution was thereupon unanimously adopted.

January 31, 1983



THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
CZAPLA , TO WIT:

WHEREAS, vacancies in the Town of Lancaster Recreation Commission  
have been created by the death of John Hajduk Jr. and the resignation of  
Walter Przybyl, and

WHEREAS, JEROME F. COLLINS, 56 Christen Court, Lancaster, New York  
and NEIL CONNELLY, 68 Pardee Avenue, Lancaster, New York, have the  
academic and professional training in human services and the ability to be of  
important service to the community as members of the Town of Lancaster  
Recreation Commission,

NOW, THEREFORE, BE IT

RESOLVED, that JEROME F. COLLINS, 56 Christen Court, Lancaster,  
New York be and is hereby appointed a member of the Town of Lancaster  
Recreation Commission to fill the unexpired term of John Hajduk, Jr., which  
expires December 31, 1984, and

BE IT FURTHER

RESOLVED, that NEIL CONNELLY, 68 Pardee Avenue, Lancaster, New  
York be and is hereby appointed a member of the Town of Lancaster Recreation  
Commission to fill the unexpired term of Walter Przybyl, which expires  
December 31, 1985.

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
COUNCILMAN KWAK	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~duky~~

The resolution was thereupon unanimously adopted.

January 31, 1983

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN CZAPLA , WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 GRZYBOWSKI , TO WIT:

RESOLVED, that the following Budget Amendment to the 1982 Special  
 Districts Fund be and hereby is effected:

<u>SANITARY SEWER DISTRICTS</u>	<u>Increase</u>	<u>Decrease</u>
SS960 - Budget Appropriations	\$ 32.00	
SS9710.6 SS Dist. No. 2 Ext. 1	1.00	
SS9710.6 SS Dist. No. 2 Ext. 2	3.00	
SS9710.6 SS Dist. No. 2 Ext. 3	21.00	
SS9710.6 SS Dist. No. 2 Lat. 2	3.00	
SS9710.6 Lancaster Heights	3.00	
SS9710.6 Markey Ave.	1.00	
SS 599 Estimated Revenues	32.00	

TRANSFER

Fire Protection Districts

SF 3413 Insurance	2500.00	
SF 3412 Hydrant Rentals		\$ 2500.00

The question of the adoption of the foregoing resolution was duly  
 put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~xxxxxx~~  
 The resolution was thereupon unanimously adopted.

January 31 1983

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GIZA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI , TO WIT:

WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC., offers a program for retarded adults in the communities of Lancaster, Alden, Marilla, Elma and East Aurora, Aurora and Wales, and

WHEREAS, this program consists of development, pre-vocational and work activities training program for those individuals in the range of mild to severe retardation, and

WHEREAS, the Center is located at 149 Central Avenue, Lancaster, New York, and its services in the area of evaluation, tutoring, development of self-help skills, personal adjustment training, recreation and counseling would be and is of substantial benefit to residents of the Town of Lancaster, and

WHEREAS, SOUTHEAST COMMUNITY WORK CENTER, INC., has offered to contract with the Town of Lancaster for the aforementioned services during the year 1983, for the total sum of \$1,000.00,

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby authorizes the Supervisor to execute an Agreement with SOUTHEAST COMMUNITY WORK CENTER, INC., for a program for retarded adults residing in the Town of Lancaster for developmental, pre-vocational and work activities training program for those individuals in the range of mild to severe retardation, and evaluation, tutoring, development of self-help skills, personal adjustment training, recreation and counseling;

2. That the said sum of \$1,000.00 be paid in four equal quarterly payments, commencing upon execution of said Agreement and April 1st, July 1st, and October 1st, 1983;

3. That said funds be drawn from the General Fund Account 4230 Mental Health, of the 1983 Budget.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES	COUNCILMAN KWAK	VOTED YES
COUNCILMAN GIZA	VOTED YES	SUPERVISOR KEYSA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES		

~~adulyx~~

The resolution was thereupon unanimously adopted.

January 31, 1983

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN GRZYBOWSKI , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GIZA , TO WIT:

RESOLVED, that the following Audited Claims be and are hereby  
ordered paid from their respective accounts:

<u>ACCOUNT</u>	<u>ORDER NUMBER</u>	<u>TOTAL AMOUNT</u>
General Fund	No. 3275 to 3348 Incl.	\$88,064.94
Highway Fund	No. 1488 to 1512 Incl.	\$47,558.99
Special District Fund	No. 632 to 632 Incl.	\$ 34.65
Trust & Agency Fund	No. 631 to 634 Incl.	\$ 6,961.20
Federal Revenue Sharing Fund	No. 508 to 517 Incl.	\$ 2,426.42
Community Development Fund	No. 1110 to 1111 Incl.	\$16,038.12

and,

BE IT FURTHER

RESOLVED, that the claim of Town of Lancaster Highway Fund for  
\$4,365.87 be and is hereby approved and the Supervisor be and is hereby  
ordered to submit this claim for payment from Community Development Project  
No. 435513, Barrier Rm., Sr. Center, and

BE IT FURTHER

RESOLVED, that the claim of Robinson & Long, Inc. for \$11,672.25  
be and is hereby approved and the Supervisor be and is hereby ordered to  
submit this claim for payment from Community Development Project No. 436311,  
Econ. Dev. Water Line.

The question of the adoption of the foregoing resolution was duly  
put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
COUNCILMAN KWAK	VOTED YES
SUPERVISOR KEYSA	VOTED YES

~~and~~

The resolution was thereupon unanimously adopted.

January 31, 1983

THE FOLLOWING RESOLUTION WAS OFFERED  
 BY COUNCILMAN CZAPLA , WHO MOVED  
 ITS ADOPTION, SECONDED BY COUNCILMAN  
 KWAK , TO WIT:

RESOLVED, that the following Building Permit Applications be and  
 are hereby approved and the issuance of Building Permits be and are hereby  
 authorized:

<u>NO.</u>	<u>NAME</u>	<u>ADDRESS</u>	<u>STRUCTURE</u>
6	Josela Enter.	36 Patridge Wk.	ER FR. SIN. DWLG, PVT. GARAGE

The question of the adoption of the foregoing resolution was duly  
 put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED	YES
COUNCILMAN GIZA	VOTED	YES
COUNCILMAN GRZYBOWSKI	VOTED	YES
COUNCILMAN KWAK	VOTED	YES
SUPERVISOR KEYSA	VOTED	YES

~~dky~~  
 The resolution was thereupon unanimously adopted.

January 31, 1983

Councilman Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI , TO WIT:

WHEREAS, JOSELA ENTERPRISES, INC., 4875 Broadway, Depew, New York, has submitted a development plan for property situate on the east side of Bowen Road, approximately 325 feet south of the intersection of Bowen Road with Broadway in the Town of Lancaster, which parcel is approximately 7.5± acres, and

WHEREAS, the proposed development is subject to review under the State Environmental Quality Review Act, (SEQRA), and

WHEREAS, the Town of Lancaster has been designated as the lead agency to determine any significant environmental impact which the proposed development may have under the criteria in the State Environmental Quality Review Act (SEQRA), and

WHEREAS, the Town of Lancaster Planning Board has, after review, recommended that the site plan submitted by the developer be approved and accepted by the Town, and

WHEREAS, the Town Board desires public comment prior to the final determination of significant environmental impact,

NOW, THEREFORE, BE IT

RESOLVED, that a public hearing will be held on the 14th day of February, 1983, at 8:30 o'clock P.M., Local Time, on the development plan proposed by JOSELA ENTERPRISES, INC., 4875 Broadway, Depew, New York, for premises on the east side of Bowen Road, approximately 325 feet south of the intersection of Bowen Road and Broadway in the Town of Lancaster, which parcel is approximately 7.5± acres, to determine any significant environmental impact which the proposed development may have under the criteria set forth in the State Environmental Quality Review Act (SEQRA) and to receive public comment concerning the proposed development prior to the final determination of

significant environmental impact; and

BE IT FURTHER

RESOLVED, that Notice of the time and place of such hearing be published in the Lancaster Enterprise, a newspaper of general circulation in said Town and be posted on the Town Bulletin Board, which Notice shall be in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
COUNCILMAN KWAK	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon unanimously adopted.

January 31, 1983

LEGAL NOTICE  
PUBLIC HEARING  
TOWN OF LANCASTER

LEGAL NOTICE IS HEREBY GIVEN that pursuant to a resolution of the Town Board of the Town of Lancaster, adopted on January 31, 1983, the said Town Board, acting as the designated lead agency under the State Environmental Quality Review Act (SEQRA), will hold a Public Hearing on the 14th day of February, 1983, at 8:30 o'clock P.M., Local Time, at the Town Hall, 21 Central Avenue, Lancaster, New York, to hear public comment related to environmental concerns over a proposed project involving the construction of condominium housing units by Josela Enterprises, Inc., 4875 Broadway, Depew, New York, on a parcel on the east side of Bowen Road, approximately 325 feet south of the intersection of Bowen Road and Broadway in the Town of Lancaster, which encompasses approximately 7.5 $\pm$  acres.

Full opportunity to be heard will be given to any and all citizens and all parties in interest.

TOWN BOARD OF THE  
TOWN OF LANCASTER  
BY: ROBERT P. THILL  
Town Clerk

January 31, 1983



Councilman Kwak requested a suspension of the necessary rule for immediate consideration of the following resolution -

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN KWAK , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
GRZYBOWSKI , TO WIT:

WHEREAS, Governor Cuomo has announced that New York State would undertake the distribution of approximately 27 million pounds of Federal surplus cheese to the needy in the State of New York, and

WHEREAS, he has solicited the cooperation of various cities, counties, and local governments in the coordination of the distribution of this cheese, and

WHEREAS, the Supervisor of the Town of Lancaster estimates that there are approximately 5,000 eligible recipients within the Town of Lancaster, and

WHEREAS, the public interest of the citizens of the Town of Lancaster would truly be served by a local coordinated and managed distribution effort,

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor of the Town of Lancaster be and is hereby authorized to coordinate and manage on behalf of the Town of Lancaster, the local distribution of Federal surplus cheese under the New York State distribution system, and

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to spend up to \$500.00 for the ordinary and necessary expenses, connected with the administration of this cheese distribution program, set funds to be drawn from the General Fund Account entitled "Contingent Purposes", and

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to accept gifts of money, equipment, and services to help defray the cost of this program as authorized in the previous paragraph.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES
COUNCILMAN GIZA	VOTED YES
COUNCILMAN GRZYBOWSKI	VOTED YES
COUNCILMAN KWAK	VOTED YES
SUPERVISOR KEYSA	VOTED YES

The resolution was thereupon unanimously adopted.

January 31, 1983

Councilman Czaplá requested a suspension of the necessary rule for immediate consideration of the following resolution -  
SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCILMAN CZAPLA , WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCILMAN  
KWAK , TO WIT:

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest for the citizens of the Town of Lancaster and the State of New York, that certain actions be taken on a Federal and/or State level, in the following areas, namely to wit:

"Exemption of Municipalities from Federal Antitrust Laws"

"Establishment of State Emergency, Hazardous Materials Response Revolving Fund"

"Federal Reimbursement for Disaster Expenses"

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes Stanley Jay Keysa, Supervisor of the Town of Lancaster and Delegate to the 1983 session of the Association of Towns of the State of New York, to prefile and sponsor on behalf of the Town of Lancaster the following three resolutions:

Resolution No. 1 - Regarding Federal Reimbursement for Disaster Expenses

WHEREAS, the General Accounting Office has recommended amendment of Public Law 93-288 so that all force account work done by county and municipal governments for disaster relief would no longer be eligible for reimbursement, and

WHEREAS, the General Accounting Office also proposes holding up payment for local funding of disaster expense until acceptable mitigation measures are provided by local governments, and

WHEREAS, by their very nature, disasters are not something that can be planned and provided for in a local budget, which is the reason that a federal program exists to alleviate disaster expense caused by unusual and unforeseen situations, since local governments can be financially devastated by such an occurrence, and

WHEREAS, the General Accounting Office logic that municipal employees are already on the payroll illogically and shortsightedly fails to recognize that today's costs forces municipalities to retain only the work force necessary to perform necessary functions which must eventually be done even though workers may be temporarily diverted by disasters, and

WHEREAS, although a municipality may plan for emergencies, no amount of mitigation standards can justify having municipal employees paid to sit around and wait for a disaster to occur, and

WHEREAS, the GAO's recommendations are apparently based upon unsound conclusions or inadequate consideration of all the ramifications, and

WHEREAS, the GAO's recommendation would force local governments to contract out disaster work thereby increasing the costs of disaster relief,

NOW. THEREFORE, BE IT

RESOLVED, that the Association of Towns hereby goes on record as opposing the General Accounting Office's recommendation that the federal government stop disaster reimbursement to local governments for work done by municipal employees and to hold up emergency funds to await mitigation measures, and

BE IT FURTHER

RESOLVED, that this Association requests that the Congress retain Public Law 93-288 as it stands in regard to these two areas, and

BE IT FURTHER

RESOLVED, that copies of this resolution be sent to Senator Patrick Moynihan and Senator D'Amato and to each of the congressmen from New York State.

Resolution No. 2 - Exemption of Municipalities from Federal Antitrust Laws

WHEREAS, the United States Supreme Court in a landmark case involving a cable television company against the City of Boulder in Colorado ruled that municipalities unlike state governments are not free from federal antitrust laws, and

WHEREAS, the Boulder case left open numerous issues for interpretation by stating that municipalities are not exempt from antitrust laws even when acting under state granted Home-Rule Rights unless they are furthering or implementing a "clearly articulated and affirmatively expressed state policy", and

WHEREAS, it is impossible to list all types of action which may be subject to anti-trust litigation, it is possible that local laws restricting the award of municipal contracts could be subject as may local programs to encourage local industries at the expense of others, and

WHEREAS, the definition implies that the states can grant monopolies if they "clearly articulate" that a state policy grants such a power to municipalities, it leaves unclear how state legislation must be worded, and

WHEREAS, this would mean that many of the laws and resolutions which the County Legislature may pass as part of its legitimate home rule powers under New York State law may be subject to antitrust suits unless specific enabling legislation was enacted by the State Legislature, and

WHEREAS, the court's stated definitions will leave counties, towns, cities and villages wide open to a multiplicity of law suits, and

WHEREAS, such suits, if successful, could result in an award of treble damages, and

WHEREAS, the recent Supreme Court decision undermines the viability of home rule and could force a return of all regulatory powers to the state,

NOW, THEREFORE, BE IT

RESOLVED, that the Association of Towns hereby requests that New York State congressmen and senators initiate and support federal legislation to exempt municipalities from federal antitrust laws, and

BE IT FURTHER

RESOLVED, that copies of this resolution be sent to Senators Daniel P. Moynihan, Alfonse M. D'Amato, and to each of the congressmen from New York State.

Resolution No. 3 - Regarding Establishing a State Emergency,  
Hazardous-Materials-Response Revolving Fund

WHEREAS, huge volumes of hazardous materials are transported throughout the State of New York by truck, rail, air, water and pipeline, and

WHEREAS, it is likely that there will be accidents which will involve these hazardous materials, and

WHEREAS, local fire, police and municipal agencies are the prime responders to environmental spills, and

WHEREAS, it is essential to immediately cleanup these materials in a professional manner in accordance with state and federal laws, and

WHEREAS, the cost of the disposal of hazardous materials and secure land burial facilities, as well as the use of registered haulers, could be in the tens of thousands of dollars, depending on the type and amount of material, and

WHEREAS, most local municipal agencies do not have budgets sufficient to cover these types of costs, and

WHEREAS, the federal government will provide money to the State government from the Federal Superfund,

NOW, THEREFORE, BE IT

RESOLVED, that the Association of Towns hereby requests the State of New York to create a fund to provide reimbursement to local agencies for costs of chemical spill containment and cleanup activities where the spiller is unknown, unwilling or unable to cleanup the spill expeditiously.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCILMAN CZAPLA	VOTED YES	COUNCILMAN KWAK	VOTED YES
COUNCILMAN GIZA	VOTED YES	SUPERVISOR KEYSA	VOTED YES
COUNCILMAN GRYZBOWSKI	VOTED YES		

The resolution was thereupon unanimously adopted.

January 31, 1983

STATUS REPORT ON UNFINISHED BUSINESS:

1. Public Improvement Permit Authorization - Country View East Subdivision, Phase 1 (Marrano)  
The retention pond has not yet been accepted but completion is secured by a Letter of Credit expiring on November 1, 1983.
2. Public Improvement Permit Authorization - Heritage Hills Subdivision, Phase 1  
The Town Board is awaiting maintenance security for P.I.P. No. 65 (retention pond) prior to acceptance.
3. Public Improvement Permit Authorization - Woodview Estates Subdivision  
The Town Board authorized issuance of P.I.P. No. 57 (sidewalks) and No. 58 (street lighting) which have not yet been accepted by the Town Board. There is no retention pond associated with this subdivision.
4. Road Acceptance - Pasquale Drive  
On November 15, 1982, the Town Board tabled this matter for further study.
5. Subdivision Approval - Lancaster Industrial Commerce Center  
On May 12, 1981, the N.Y.S. Dept. of Audit and Control acknowledged receipt of water, sanitary sewer, and drainage district applications.
6. Subdivision Approval - Plumb Bottom Estates  
On June 1, 1981, this matter was presented to the Town Board and referred to the Planning Board for review and recommendation.
7. Traffic Study - Bowen Road and Broadway  
On November 30, 1982, the N.Y.S. Dept. of Transportation forwarded to the Supervisor a traffic count for the intersection of Broadway and Bowen Roads.
8. Traffic Study - Genesee Street and Ransom Road  
On September 14, 1982, the N.Y.S. Dept. of Transportation informed the Board that their investigation is complete and recommended removal of a portion of the embankment in the south east quadrant of the intersection and eventual reconstruction of the intersection. On October 6, 1982, Assemblyman Graber, at the request of the Town Board, replied that he will act on reconstruction of this intersection as swiftly as possible.
9. Traffic Study - Speed Reduction on William Street  
On May 20, 1982, the N.Y.S. Dept. of Transportation reported that they are re-evaluating this matter as their caseload permits.

PERSONS ADDRESSING THE TOWN BOARD:

Mr. Andy Shearer, representing the Striders' Running Club, asked the Town Board for authorization to use certain Town streets for their annual "Striders' Boy Scouts Run" scheduled to be held on Saturday, May 14, 1983.

Mr. Shearer's request was referred to the Town Attorney and the Chief of Police for approval after determination of final route, and submittal of Hold Harmless Liability releases.

Mr. Mark DiDomenico, 11 Old Orchard Common, representing the homeowners of the Heritage Hills Subdivision, asked the Town Board for a status report on the owners' previous request for a commitment from the Marrano Corporation to build only comparable size homes on the remaining fifteen lots within Heritage Hills Subdivision.

Previously, Mr. DiDomenico and other residents expressed concern over the sale of individual lots in this subdivision to private developers who have one-lot-only interest in this subdivision and are not bound to maintaining the average 2,000 square feet per home that presently exists in this subdivision.

The Town Attorney reported that no agreement or commitment has been received from the Marrano Corporation in this regard even though several letters and requests have been made for such a commitment.

The Town Board directed the Town Attorney to request a meeting between the Town Board and the top management of the Marrano Corporation for the purpose of resolving this issue and alleviating the concerns of the residents of Heritage Hills Subdivision.



COMMUNICATIONS:DISPOSITION

53. Town Clerk to Dept. of Audit and Control -  
Transmittal of Annual Report of Tort  
Claims for 1982.
54. Lancaster Village Clerk to Town Clerk -  
Town Dog Control Officer services to  
Village.
55. Town Clerk to Town Board -  
Report on 1982 first-aid injury claims.
56. Town Clerk to Town Board -  
Resume of actions taken in regards to  
Town Board meeting held 1/17/83.
57. Town Line V.F.D. to Supervisor -  
1983 Officers List.
58. March of Dimes Birth Defect Foundation to  
Supervisor -  
Request approval to use Town streets for  
March of Dimes 1983 WalkAmerica on 4/24/83.
59. County Environmental Management Council to  
Supervisor -  
Notice of meeting to be held 1/25/83 at  
Buffalo to discuss discrepancies found in  
Town sanitary sewer project.
60. County Dept. of Environment and Planning to  
Supervisor -  
Data relative to UDAG eligibility.
61. Shelgren & Marzec, Architects to Supervisor -  
Proposal in connection with Sr. Citizens  
Center new electrical system.
62. Depew/Lancaster Branch - Red Cross to  
Supervisor's Secretary -  
Notification that ambulatory equipment is  
available to residents of Village of Depew  
regardless of which town their part of Depew  
was located.
63. Town Clerk to Various Dept. Heads -  
Transmittal of summary of injuries and  
illnesses of Town employees for 1982 with  
request for posting.
64. Supervisor to Town Board -  
Transmittal of proposal form and copy of plan  
for a stained glass window to be placed over  
main entrance doors.
65. Property Manager to Town Board -  
Report of Fixed Assets Inventory as of  
12/31/82.
66. Building Inspector to Town Board -  
Monthly report for January 1983.
67. County Dept. of Law to Supervisor -  
Transmittal of 1982-83 Snow Removal Contract  
for execution.
68. N.Y.S. Dept. of Environmental Conservation to  
County Dept. of Environment & Planning -  
Comments regarding eligibility determination  
for federal and state aid for ECSD No. 4  
Project.

R &amp; F

ATTORNEY

INSURANCE COMMITTEE

R &amp; F

R &amp; F

ATTORNEY  
POLICE CHIEF

R &amp; F

R &amp; F

R &amp; F

SUPERVISOR

INSURANCE COMMITTEE

TOWN ATTORNEY FOR  
RESOLUTION

R &amp; F

R &amp; F

R &amp; F

TOWN ATTORNEY

COMMUNICATIONS CONT'D.:DISPOSITION

69. N.Y.S. Dept. of Civil Service to Supervisor - Announcement of Deferred Compensation Programs.	R & F
70. County Dept. of Environment and Planning to Residents - Notice of meeting to be held 2/16/84 at Town Hall regarding completion of sanitary sewer.	R & F
71. Cheektowaga Town Clerk to Supervisor - Transmittal of Legal Notice of public hearing to be held 2/7/83 regarding RMF Holding Corporation's rezone petition.	R & F
72. County Executive and Mayor to Supervisor - Notice of workshop entitled "Wintertime Road Maintenance" to be held at Amherst on 2/11/83.	HIGHWAY SUPT.
73. County Dept. of Fire Safety to Supervisor - Highlights of N.Y.S. Fire Prevention & Building Code.	R & F BLDG. INSP.
74. N.Y.S. Dept. of Environmental Conservation to Supervisor - Invitation to attend seminar on ice jams to be held at Cheektowaga on 2/16/83.	HIGHWAY SUPT. POLICE CHIEF
75. Youth Bureau Chairman to Supervisor - Endorsement of Robert Smith to position of part-time Youth Counselor.	R & F
76. County Off. of Criminal Justice Planning to Supervisor - Transmittal of executed copy of Justice Court Agreement for STOP-DWI Program.	R & F
77. Recreation Committee Chair. to Supervisor - Recommendation of two members to Recreation Commission.	R & F
78. Fox & Company to Supervisor - Letter proposal regarding Sewer System Rehabilitation Project.	R & F
79. Fox & Company to Town Attorney - Notification of submittal of letter proposal regarding Sewer System Rehabilitation Project.	R & F
80. Ambulance Advisory Board to Town Clerk - Recommendation of two new members to LVAC active roster.	R & F
81. S.E. Community Work Center, Inc. to Town Clerk - Request for financial support for 1983.	R & F
82. Planning Board to Town Board - Minutes from meeting held 1/19/83.	R & F
83. Planning Board to Town Board - Transmittal fo site plan for Belltower Village.	DEP. TOWN ATTORNEY FOR SUSPENDED RES.
84. Josela Enterprises, Inc. to Town Board - Notification of attendance at Board meeting to be held 1/31/83 to address questions concerning Belltower Village.	R & F

COMMUNICATIONS CONT'D.:DISPOSITION

85. Highway Supt. to Town Board -  
Request action on several conditions existing  
at Highway Garage.
86. N.Y.S. Office of General Services to Sen.  
Volker -  
Data relative to the Federal surplus cheese  
distribution program.
87. National Fuel to Supervisor -  
Transmittal of news release and briefing  
sheet relative to request for rate increase.
88. Town Engineers to Town Board -  
Cost estimates for improvements at Keysa  
Park and Town Center.
89. Building Inspector to Supervisor -  
Opinion regarding proposed rezoning by Town  
of Cheektowaga.
90. Johnston N. Reid, Jr. to Chair., Planning  
Committee -  
Request consideration to position of member  
of Planning Board.
91. County Dept. of Environment and Planning to  
Supervisor -  
Transmittal of approved Lancaster-Alden  
Agricultural District Map.

BLDG. COMM.

TOWN ATTORNEY FOR  
SUSPENDED RES.

R &amp; F

CAPITAL COMM.

R &amp; F

PLANNING COMM.

R &amp; F

The Supervisor requested a suspension of the necessary rule for  
immediate consideration of the following communication - SUSPENSION GRANTED.

92. Buildings Foreman to Supervisor -  
Response to Highway Superintendent's  
Inquiries.
93. Fox & Company to Supervisor -  
Transmittal of Highway Funds Budget and  
Tax Rate Projections for 1984/85.
94. Supervisor to Town Board -  
Highway Funds Budget and Tax Rate  
Projections for 1984/85.

BLDG. COMM.

R &amp; F

R &amp; F

ADJOURNMENT:

ON MOTION OF COUNCILMAN CZAPLA, AND SECONDED BY THE ENTIRE TOWN  
BOARD AND CARRIED, the meeting was adjourned at 9:55 P.M. out of respect to:

CLARENCE KEMP -

LESTER SUESS -

GLADYS SIEMON -

Signed

*Robert P. Thill*

Robert P. Thill, Town Clerk